



Town of Port Hedland

MINUTES
OF THE
ORDINARY MEETING
OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 12 MAY 2010

AT 5.32 PM

IN COUNCIL CHAMBERS
McGREGOR STREET, PORT HEDLAND

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Chris Adams
Chief Executive Officer

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ITEM 1 OPENING OF MEETING**1.1 Opening**

The Mayor declared the meeting open at 5:32 pm and acknowledged the traditional owners, the Kariyarra people.

ITEM 2 RECORDING OF ATTENDANCE AND APOLOGIES**2.1 Attendance**

Mayor Kelly A Howlett
Councillor Arnold A Carter
Councillor Stan R Martin
Councillor George J Daccache
Councillor Jan M Gillingham
Councillor Steve J Coates
Councillor David W Hooper
Councillor Michael (Bill) Dziombak

Mr Chris Adams	Chief Executive Officer
Ms Natalie Octoman	Acting Director Corporate Services
Mr Russell Dyer	Director Engineering Services
Mr Paul Martin	Director Community Development
Mr Terry Sargent	Director Regulatory Services
Ms Gaye Stephens	Executive Assistant
Ms Josephine Bianchi	Administration Officer – Governance
Members of the Public	20
Members of the Media	1

2.2 Apologies

Nil

2.3 Approved Leave of Absence

Nil

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held on
Wednesday 28 April 2010**

3.1.1 Mr Frank Parker

In relation to the office extensions to the building at 36 Roberts Street, South Hedland and the Port Hedland Sobering Up Centre located on Forrest Street, South Hedland: were the correct licenses and permits issued prior to the commencement of construction?

Chief Executive Officer advised that no permits were required in this instance.

Who was the builder contracted to complete these projects?

Director Regulatory Services advised that this is not known as no Building Application was submitted

Were the builder's credentials checked thoroughly before signing the contract?

Director Regulatory Services advised that the builder was not known, as a Building Application was not submitted; this is a matter for the client not Council. He added that should an application be approved it would be on the basis of the builder being appropriately licensed.

Have Council and/or Government fundings been used towards these projects?

Mayor advised that no Council funding has been used for these projects.

Who signed off on these two projects contractually?

Director Regulatory Services advised that this is not a Council matter, and that it must be referred to the client.

What has Council done in relation to the occupancy of these buildings? What orders have been issued pertaining to this?

Director Regulatory Services advised that a formal notice has been issued requiring Bloodwood Tree Association to submit an application for a Building Approval Certificate.

Have the materials used in the construction of these buildings been checked as being of a correct standard and if so by whom?

Mayor advised that Council has already provided Mr Parker with a comprehensive response in relation to this question in the past.

What "Privacy Act" is the CEO referring to when stating that he cannot answer any questions relating to these projects?

Director Regulatory Services advised that the CEO is referring to Building Regulations 1989 section 12(2):

“The owner or mortgagee of any building or any person authorised in writing by the owner or mortgagee may, during the normal office hours of the local government inspect any plan or other document relating to that building retained pursuant to sub regulation (1)”

What terms and agreements were issued to the Pricipal for these projects if Government or Council funding was issued to these projects?

Director of Regulatory Services advised that Council has entered into no agreement.

What penalties will or can be incurred into if any breaches of terms and agreements have occurred? Who owns the building at the PHSUC and who approves the structural integrity of the building?

Director Regulatory Services advised that to access information regarding to property owner, Mr Parker can apply for an application for Rate Extract, application cost \$24.90. Penalties are determined by the local court after the matter is heard and determined.

3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 28 April 2010

Nil

ITEM 4 PUBLIC TIME

4.1 Public Questions

5:34 pm Mayor opened Public Question Time

4.1.1 Mr Chris Whalley

Given the deterioration of the South Hedland Shopping Centre during the last two months, does Council have any plans to address this issue? Could Council contact Charter Hall, owners of the Shopping Centre to ask for a return to full time on-site management, an increase in security patrols, better cleaning maintenance, and to ensure that all shopping centre parking lot lights are working?

Mayor advised that Council is very keen to talk to the management of the South Hedland Shopping Centre, are acutely aware of cleaning issues, access to the mothers/babies change room and disabled toilets facilities, as well as lack of onsite management. She added the matter will be taken up with the new manager and a report provided to the next Council meeting.

4.1.2 Mrs Lisa Jones

Can Redbank Road be fixed up?

Director Engineering Services advised that Council does not have works planned for this year, excepting some shoulder work, but now that underground power has been completed a reseal of the road may be scheduled.

What about a turning way into Redbank Road coming off the bridge, and lights on the corner turning into Red Bank Road?

Mayor advised that this issue has been raised with Main Roads WA and that they are looking at traffic counts. Mayor advised this matter is outside of Council's jurisdiction, however Council will continue to ensure Main Roads is aware of these matters.

Why is Council not supporting the zoning to be changed to tourism as supported by the Town of Port Hedland Council as per the recommendation through the Land Use Master Plan; as that was the preferred use and it was through community consultation?

Mayor advised that this issue is included in the Agenda for reconsideration tonight.

Mayor added that the Land Use Master Plan was an award winning process; there were a number of stakeholders involved and it was quite comprehensive. Bearing that in mind, and all of us that have been living in town will know that so much has changed in such a short period of time, the Land Use Master Plan document is currently being updated. Council needs to make sure it keeps up the pace as the Town is growing into a city; this is why some things will change within the document in question.

NOTE: Mrs Lisa Jones also mentioned that this [proposed amendment to Town Planning Scheme 5 to rezone lots at Redbank] application was supported at the last Council meeting with 9 in favour, one (1) against, and one (1) with no preference. Mrs Jones requested for this to be noted and to ensure it was put back in the minutes. Mayor advised that Council will take that on board, and this is why we are reconsidering the item tonight.]

4.1.3 Mrs Kerry Purcell

Does Council still support the recommendation of the Land Use Master Plan regarding Redbank, particularly with regard to the recommendation that Council supports the development of tourism and light/rural industrial development?

Mayor confirmed that Council does support the Land Use Master Plan, and reiterated that it is an award winning document. However, Council is also acutely aware of the rapid changes throughout the Town of Port Hedland, and the document is in need of reviewing and updating.

Has the town being growing so much that we can't look at the Land Use Master Plan anymore?

Mayor advised that yes Council can still use the Land Use Master Plan but it has to keep updating the document. For example, now Council is considering areas that were initially marked well outside the Land Use Master Plan. Mayor added that this is an ongoing process.

How long will this process take?

Mayor advised it is an ongoing process. The Land Use Master Plan is not a static document and it needs to grow with our city. We have a population of 19,500 people expected to grow by another 9,000 people within the next 3 years. We can't afford to leave anything on hold even for six months; the Town's staff is constantly going through the Land Use Master Plan to make sure we can cater for this expected and massive population growth.

With that in mind our request was put up to Council in November 2009, so why can't we seem to be getting anywhere?

Mayor advised that this is the second time this item has been presented to Council, and it will be considered again tonight.

Is Council of the opinion that there is insufficient community support for the rezoning of the whole of Redbank to "Tourism" and is Council prepared to support the rezoning of only those lots where the landowners support and have requested rezoning?

Mayor advised that these questions will be answered tonight and suggested that Mrs Purcell stays and follows the debate and Council's decisions.

4.1.4 Mr Frank Parker

Following on from my questions at Council's last meeting, in relation to what penalties can be incurred, if any breaches of terms and agreements have occurred, who takes the matter to the Courts [in relation to building works at Bloodwood Tree Association and the Sobering Up Centre] as there is a duty of care here?

Mayor advises that the answer to the question is 'Council'.

In the mean time nobody knows who the builder was?

Mayor advised that Council does know who the builder was and that it has full information.

Why is the Chief Executive Officer of the organisation allowed to carry on and put staff into the building if Council does not know whether it is safe or not?

Director Regulatory Services advised that in this case it appears that an offence has been committed. Council has no power to 'physically' stop people occupying a building which has been built contrary to the requirements of the Building Code of Australia (BCA) or other legislation, and can't stop people committing an offence.

He added that Council does have the power to follow up on breaches of legislation that Council is responsible for, if these are found to be occurring. Council is now doing this as part of its normal proceedings, and when a legal investigation starts there are limits as to how much information the Town can supply. The matter has been brought to our attention and Council will require all staff to take appropriate action where and if necessary.

He also advised that Mr Parker has also referred to a number of other incidences, which are outside of Council's jurisdiction, and hence the Town has no power to act.

The Ombudsman advised me to ask; what part of the Privacy Act are you referring to in your previous response to me?

Mayor advised that this question will be taken on notice.

5:46 pm Mayor closed Public Question Time

4.2 Public Statements

5:46 pm Mayor opened Public Statement Time

4.2.1 Mr Chris Whalley

This is the third time I have raised this particular issue in the last three weeks; there are still rubbish problems at the intersection of Captains and Masters Way and Collier Drive – all of the industrial skips are full, and have not been emptied.

5:48 pm Mayor closed Public Statement Time

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 Cr J M Gillingham

May I read a letter from a young lady that lives in Port Hedland?

"12th May 2010

Dear Council,

My name is Celeste and I am ten years old. I was wondering if you could use some of the land to make safety houses to keep kids safe from strangers and make sure families are kept together.

THANK YOU

C. McCorry"

Mayor advised the letter of request will be forwarded to WA Police, particularly, the Community Policing group.

What is happening with land release?

Mayor advised an update on the 25 hectares of land throughout South Hedland made available through Expression Of Interest (EOI). There have been approximately two (2) EOIs received per block of land available; those EOIs are now undergoing the selection process. It is anticipated that an announcement of successful EOIs will be made in June/July. The next land release is to be in June, and will be a mix of land available in Port Hedland and South Hedland.

What is happening with the clear up of the laneway next door to 8 Butler Way? Nothing has been done about it since I last brought it up to Council's attention.

Mayor advised that this question will be taken on notice.

5.2 *Cr S J Coates*

There exists a likelihood of a high speed collision involving road vehicles, occurring in the vicinity of Buttweid Road where it intersects the BHP Port Hedland to Newman railroad; there may be an engineering solution available that would minimise both the hazard and the risk of a collision; would Council, with a sense of urgency, investigate the matter in consultation and partnership with other interested parties with the view to implementing a solution?

Director Engineering Services advised that Council has carried out a road safety audit on Buttweid Road and also a regional road route program for other alterations that are considered road issues. In this case, this section of the road is close to the rail line where unlicensed vehicles are accessing the road. We will catch up tomorrow and talk about Cr Coate's suggestions of extending the guard rail.

5.3 *Cr M Dziombak*

With regard to the Great Northern Highway realignment, I have been advised that the signage is a bit confusing, some signs seem a bit old; is the information on the signs up to date?

Mayor advised that she will be meeting with the Regional Manager of Main Roads WA next week and will pass this matter on to him.

Chief Executive Officer also advised that the Communications Plan for this project is currently being developed.

I have also been advised that following the works around Wedegfield there are issues with the road linemarking, what is Council doing about this?

Mayor advised that this issue has been raised by a number of people together with the other issue of trucks pulling out from Broome Road, which she will pass on to Main Roads WA next week.

ITEM 6 DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING

Cr K A Howlett	Cr J M Gillingham
Cr A A Carter	Cr S J Coates
Cr S R Martin	Cr M (Bill) Dziombak
Cr G J Daccache	Cr D W Hooper

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 28 April 2010

Mayor advised that Agenda Item 7.1 'Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 28 April 2010' be deferred for consideration at the next Ordinary Council Meeting to be held on 26 May 2010.

7.2 Confirmation of Minutes of Special Meeting of Council held on Tuesday 4 May 2010 at 4:00 pm.

Mayor advised that Agenda Item 7.2 'Confirmation of Minutes of Special Meeting of Council held on Tuesday 4 May 2010' be deferred for consideration at the next Ordinary Council Meeting to be held on 26 May 2010.

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

Mayor Howlett's Activity Report for the April/May 2010 period to date as follows:

April 2010

Sunday, 25th April

- Attended RSL March Past and Service
- Attended ANZAC House For After Service Refreshments
- Played In The Anzac Day BloodySlow Cup Australia Vs New Zealand

Tuesday, 27th April

- Catchup Chief Executive Officer and Mayor Meeting
- Conducted Citizenship Ceremony

Wednesday, 28th April

- Attended Port Hedland International Airport Table Top Emergency Exercise
- Weekly Media Meeting and Deputy Mayor
- Weekly Catchup Deputy Mayor and Mayor Meeting
- Chair April Ordinary Council Meeting

Thursday, 29th April

- Tour with Hon Maxine McKew and Hon Brendan Grylls around Port and South Hedland with Crs Carter, Martin, Daccache, Gillingham, Dziombak, Hooper and Chief Executive Officer
- Attended LEMC Meeting

Friday, 30th April

- Weekly Catchup Chief Executive Officer, Deputy Mayor and Mayor Meeting
- Meeting Port Hedland Chamber of Commerce Re: Port Haven Community Use Rooms with Crs Carter, Dziombak and Chief Executive Officer

May 2010

Saturday, 1st May

- Speech Re: Women In Local Government At North West Expo, Broome

Monday, 3rd May

- Meeting with Andrew Port Hedland Seafarer Centre

Tuesday, 4th May

- Chair Informal Briefing Council with Deputy Mayor and Crs Martin, Daccache, Gillingham, Coates, Dziombak, Hooper, Chief Executive Officer, Acting Director Corporate Services, Director Community Development, Director Engineering Services and Director Regulatory Services.

Wednesday, 5th May

- Interview Spirit Radio (Tidy Towns)
- Attended Well Women's Centre May Morning Tea Event
- Weekly Media Meeting with Deputy Mayor
- Telephone Conference Re: Pilbara To Parliament with Deputy Mayor
- Weekly Media Meeting with Deputy Mayor

Thursday, 6th May

- Meeting Ray White Real Estate Michael Hales

Friday, 7th May

- Weekly Catchup with Chief Executive Officer, Deputy Mayor and Mayor Meeting

- Attended WOW Week Multicultural Lunch Event
- Attended Hedland Playgroup Inc. Ladies Night Fundraiser

Mayor also advised Council of the following:

This Friday night, 14 May 2010, there will be the 'Welcome to Hedland' night at Kevin Scott Oval, South Hedland from 5pm to 9pm. It will be a very exciting event where we put our town on display with over 60 stall holders, including businesses, community groups, and fundraisers. There will be a number of performances, local dance, sporting and education groups and a special performance from the Yabu band.

Attended the First Breast Cancer Walk for a Cure in Port Hedland on Mother's Day, it was a very successful event with 156 participants and \$34,881.00 was raised by all sponsorship, including BHP Match Giving. We hope that this event will continue and become an annual one. I would like to pass on to Nicole Roukens that it was a fantastic event.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

9.1 Cr G J Daccache

Councillor G Daccache attended a meeting at Colin Matheson Oval and everybody congratulated Council on the new grass area which is looking very good. Councillor G Daccache also has a list of all upcoming events at the Oval for this month to forward to who wants it.

9.2 Cr J M Gillingham

Cr J M Gillingham attended the opening of the new state of the art Police Station which is a fantastic building. Cr J M Gillingham also advised that it was great to see that a number of Police staff have returned to town.

9.3 Cr D W Hooper

Cr D W Hooper attended the Police Station opening and advised it was very good to see all their new equipment.

9.4 Cr M Dziombak

Cr M Dziombak attended the Regional Chambers of Commerce Forum in Perth last Thursday at Parliament House. Several ministers and the Premier attended the Forum. The main topics of discussion were the role of the Chambers in Regional Areas specifically and the work that they should be doing to improve their partnerships with Local Governments.

Cr M Dziombak also advised that the Port Hedland Chamber of Commerce will be holding the budget as a sun downer next Friday 21 May; tickets can be purchased through the Chamber's office.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

- b. *Seniors, children, and persons with existing heart or lung disease appear to be at an elevated risk of dust-related health impacts.*

Should additional information be required in regard to part "a" or "b", the prospective landowners should contact the Western Australian Department of Health."

In order to finalise the section 70A form and obtain the Town's common seal, a Council resolution is required.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

The required section 70A notification is an important mechanism to ensure that any prospective owner/buyers of the lot/unit are alluded to the restrictions/conditions pertaining to the lot/unit.

The use of the Town's common seal will only enable the lodgement of the application with the Registrar of Titles and will not complete the land owner/developers obligations under the condition. To complete their obligation, a copy of the documentation confirming the registration of the notification must be supplied to the Town.

In light of the above Council is requested to grant approval for the use of the Town's common seal.

Attachments Nil

200910/400 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That Council:

- 1. Grants the request by MAKjap Pty Ltd consulting Engineers and Surveyors on behalf of the owners of Lot 199 Morgans Street and Lot 200 Howe Street, Port Hedland, Lasso Holdings Pty Ltd to affix the Town's common seal to a section 70A notification form, and;**

2. Approves the use of the Town's common seal for the purposes associated with the registering of a section 70A notification on Lot 200 Howe Street and Lot 199 Morgans Street, Port Hedland, and;
3. Advises the applicant that once the notification is registered and a copy of the documentation confirming the registration is provided to the Town, it will be deemed that condition 7 of WAPC approval pertaining to Application No, 1245-09 (Lot 199 Morgans Street) and Application No, 1313-09 (Lot 200 Howe Street) have been satisfactorily complied with.

CARRIED 8/0

5:58 pm Councillor G J Daccache declared a financial interest in Agenda Item 11.1.2.2 "Proposed Section 70A Notification for Lot 175 Morgans Street, Port Hedland" as he is employed by Auzcorp.

Councillor Daccache left the room.

11.1.2.2 Proposed Section 70A Notification for Lot 175 Morgans Street, Port Hedland (File No.: 108930G)

Officer	Leonard Long Manager Planning
Date of Report	3 May 2010
Application No.	2010/8.01
Disclosure of Interest by Officer	Nil

Summary

Council has received a request from Auzcorp the owners of Lot 175 Morgans Street, Port Hedland, to affix the Town's common seal to a section 70A notification form, which will enable the lodgement of the form with the Registrar of Titles.

Background

A Development Application (2010/8) for eight Group Dwellings was granted by Council on 5 March 2010, on Lot 175 (27) Morgans Street, Port Hedland.

The following condition has been imposed as part of the approval:

"Prior to commencing works, the land owner is to prepare a notification under section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification is to be sufficient to alert prospective landowners or occupiers that;

- a. The Western Australian Department of Health has advised in a preliminary investigation that it does not support medium density residential development in this area due to a potential casual link between the dust generated by nearby ore mining processes and port facilities, and increased likelihood of respiratory health impacts;*
- b. Seniors, children, and persons with existing heart or lung disease appear to be at an elevated risk of dust-related health impacts.*

Should additional information be required in regard to part "a" or "b", the prospective landowners should contact the Western Australian Department of Health."

In order to finalise the section 70A form and obtain the Town's common seal, a Council resolution is required.

Consultation	Nil
Statutory Implications	Nil
Policy Implications	Nil
Strategic Planning Implications	Nil
Budget Implications	Nil

Officer's Comment

The required section 70A notification is an important mechanism to ensure that any prospective owner/buyers of the lot/unit are eluded to the restrictions/conditions pertaining to the lot/unit.

The use of the Town's common seal will only enable the lodgement of the application with the Registrar of Titles and will not complete the land owner/developers obligations under the condition. To complete their obligation, a copy of the documentation confirming the registration of the notification must be supplied to the Town.

In light of the above Council is requested to grant approval for the use of the Town's common seal.

Attachments	Nil
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200910/401 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr D W Hooper**That Council:**

- 1. Grants the request from Auzcorp the owners of Lot 175 Morgans Street, Port Hedland, to affix the Town's common seal to a section 70A notification form, and;**
- 2. Approves the use of the Town's common seal for the purposes associated with the registering of a section 70A notification on Lot 175 (27) Morgans Street, Port Hedland, and;**
- 3. Advises the applicant that once the notification is registered and a copy of the documentation confirming the registration is provided to the Town, it will be deemed that condition 2 of the Development Application approval has been satisfactorily complied with.**

CARRIED 7/0

5:58 pm Councillor G J Daccache re-entered the room and resumed his chair.
Mayor advised Cr Daccache of Council's decision.

11.1.2.3 Request to Reconsider Proposed Amendment to the Town of Port Hedland Town Planning Scheme No. 5, Scheme Amendment 29 to Amend the Zoning of all the Lots in Redbank from “Rural Residential”, “Mixed Use” and “Community” to “Tourism”. (File No.: 800874G)

Officer	Leonard Long Manager Planning
Date of Report	14 April 2010
Application No.	2009/677
Disclosure of Interest by Officer	Nil

Summary

In October 2009 Council received a request from Taylor Burrell Barnett, Town Planners on behalf of the Tim Purcell Property Trust to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5*, to amend the zoning of all the lots located within the Redbank area of which all are zoned “Rural Residential” with exception of Lots 6039 and 6252 which are zoned “Mixed Business” and Lot 134 which is zoned “Community”. (Attachment 1)

Taylor Burrell Barnett has requested Council on behalf of the Tim Purcell Property Trust to reconsider their original request to initiate Scheme Amendment No. 29 and offer the following two arguments to support their original request:

The proposal is in accordance with Council’s adopted Local Planning Strategy (LUMP).

The proposal enjoys significant local community support.

Background

Council at its Ordinary Meeting held on 24th February 2010, resolved to refuse the request to initiate Scheme Amendment 29, providing the following reason:

“Council considered the support for the existing zoning in the Redbank area was sufficient.”

The Land Use Master Plan (LUMP) defines the Redbank area as an area for possible tourism uses, due to its location, environment and Aboriginal heritage and notes that the area forms something of a gateway to Port Hedland, with “Rural Residential” or “Light Industry” being the “fall back” position should the tourist opportunities prove economically infeasible.

Consultation

Due to the magnitude of the proposed rezoning a public meeting on the future land uses of Redbank was convened. The meeting was attended by approximately 20 residents who had mixed ideas on what should be allowed at Redbank, although the consensus was that the majority would consider "Tourism" and "Mixed Business".

In addition to the public meeting the Planning Department sent out letters requesting the residents of Redbank to provide written comments/suggestions, unfortunately this resulted in a very poor response. Subsequently the Planning Department again sent out letters to the residents requesting comments/suggestions and although the response was better than previous, not all the residents provided comments.

The comments received can be summarised as follows:

80% of the comments received supported the possibility of rezoning Redbank to "Tourism" and "Mixed Business" although there were residents that do not want to see caravan parks or backpackers accommodation provided. 20% of the residents requested that the area remain "Rural Residential".

From the responses received however, it does seem that some of the respondents supporting a "Mixed Business" zoning are intending to develop their land in ways that would not be permitted within that zoning.

All the comments received are attached as Attachment 2.

Should Council resolve to initiate this amendment to TPS 5 as recommended, the documentation is to be submitted to the Environmental Protection Authority (EPA) for consideration pursuant to section 81 of the Planning and Development Act 2005 (PDA).

Following approval from the Environmental Protection Authority to advertise the amendment, Council is then required, pursuant to section 83 of the Planning and Development Act to consult persons likely to be affected by the amendment which in this instance would be all the residents within Redbank, and also advertise the amendment for a minimum of 42 days pursuant to section 84 of the Planning and Development Act.

At the completion of this consultation, Council is to consider all submissions and determine whether to adopt the amendment, adopt the amendment with modifications, or not adopt the amendment.

Statutory Implications

The *Planning and Development Act 2005* and the *Town Planning Regulations 1967* provide Council the authority to amend its Local Planning Scheme and establish the procedure required to make this amendment.

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 3: Community Development

Goal 4: Arts & Culture

Strategy 3: Develop a unique entry statement to the Town.

Key Result Area 4: Economic Development

Goal 1: Tourism

Strategy 4: Identify sites for the development of a new caravan park/eco tourism facilities (both permanent and temporary). Implement key priority projects.

Budget Implications

The applicant has paid the prescribed application fee of \$1,711 for the initiation request.

Officer's Comment

As mentioned above the residents of Redbank have mixed ideas on what the best land use for the area would be, with most supporting a rezoning to "Tourism" and "Mixed Business".

However, from a planning perspective "Mixed Business" would not be suited to the area for either "Rural Residential" or "Tourism" zoning as most of the allowable uses in this zone would not be compatible with the existing zoning or proposed zoning.

In addition, due to the mixed ideas received from the residents as well as the possibility that the use of the area solely for "Tourism" purposes has not been proven to be economically feasible, a concern that has been recognised in the LUMP, it may be more realistic to take a staged approach to rezoning the area to "Tourism".

Due to the uncertainty of the feasibility of tourist related uses in Redbank and the mixed ideas received from the residents, it would, from a planning perspective be more appropriate to provide the residents and potential developers with the flexibility of choice by retaining the existing zoning and amending the Port Hedland Town Planning Scheme No. 5, Text to include Redbank as a special control area.

From a planning perspective it is far more desirable to create a special control area, as this ensures that the existing zoning is retained. The special control area will also depict additional zoning/uses which may be permitted and in certain instance prescribe conditions that would be imposed on any development within such an area.

By creating a special control area the Council will be promoting tourism uses in the area whilst still retaining the lifestyle of rural residential living should tourism development prove to be uneconomical.

Therefore, if Council chooses to vary its current position on not initiating the proposed scheme amendment, the following three options are available:

Option 1 – enables Council to deal with any development application on its merits, allowing Council to have an active role on the future developments within Redbank.

- (a) Refuse the request from Taylor Burrell Barnett, Town Planners on behalf of the Tim Purcell Property Trust to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5* to amend the zoning of all the lots located within the Redbank area of which all are zoned “Rural Residential” with exception of Lots 6039 and 6252 which are zoned “Mixed Business” and Lot 134 which is zoned “Community” to “Tourism”,
- (b) Initiate a scheme amendment to amend the text of the Port Hedland Town Planning Scheme No. 5, by removing the Redbank area from the Airport development plan, and amending Part VII – Special Control Areas, by including the following:

“7.6 REDBANK SPECIAL CONTROL AREA

7.6.1 The purpose of this special control area is to promote the development of tourist related uses within Redbank.

7.6.2 Notwithstanding that a use may be depicted as (~) within the zoning table for the zoning of the land within the Redbank special control area, Council may consider any use permissible within the zoning table under the “Tourism” zone as a (SA) use.

7.6.3 When considering applications for planning approval within the Redbank Special Control Area, Council shall have regarded the:

- (a) Intent of the proposed use,*
- (b) The compatibility of uses, and,*
- (c) Potential traffic impact,*

Option 2 – could potentially have a negative impact on Redbank, as this option may lead to potential subdivision of the lots which would change the entire dynamic of the area.

Initiate the scheme as requested by rezoning all the lots within Redbank that are zoned “Rural Residential” to “Tourism”, or

Option 3 – would result in a similar impact as Option 2

Request the applicant to amend his request by including all the lots within Redbank to be rezoned to “Tourism”

Attachments

Attachment 1 - Town of Port Hedland Town Planning Scheme No. 5, Amendment No. 29, Map (to be amended)

Attachment 2 - Comments from residents

Officer’s Recommendation

That Council:

1. Refuse the request from Taylor Burrell Barnett, Town Planners on behalf of the Tim Purcell Property Trust to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5* to amend the zoning of all the lots located within the Redbank area of which all are zoned “Rural Residential” with exception of Lots 6039 and 6252 which are zoned “Mixed Business” and Lot 134 which is zoned “Community” to “Tourism”, and;
2. Initiate a scheme amendment to amend the text of the Port Hedland Town Planning Scheme No. 5, by removing the Redbank area from the Airport development plan, and amending Part VII – Special Control Areas, by including the following :

“7.6 REDBANK SPECIAL CONTROL AREA

7.6.1 The purpose of this special control area is to promote the development of tourist related uses within Redbank.

7.6.2 Notwithstanding that a use may be depicted as (~) within the zoning table for the zoning of the land within the Redbank special control area, Council may consider any use permissible within the zoning table under the “Tourism” zone as a (SA) use.

7.6.3 When considering applications for planning approval within the Redbank Special Control Area, Council shall have regarded the:

- (a) Intent of the proposed use,*

- (b) *The compatibility of uses, and,*
- (c) *Potential traffic impact”*

3. Advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority.

NOTE: Mayor advised that during the afternoon she received six letters from Redbank residents supporting Tim and Kerry Purcell in their application to initiate an amendment to the Town of Port Hedland Planning Scheme No. 5 to rezone those lots in Redbank that are currently zoned ‘ Rural Residential’. The residents names are as follows: Marc Vrancic, Lisa Jones, Daniel Ford, Jason Karey, Andrew and Sherryl Sheehy, Phil and Fhel Pierce and Hayden McGrath.

200910/402 Council Decision

Moved: Cr A A Carter

Seconded: Cr S R Martin

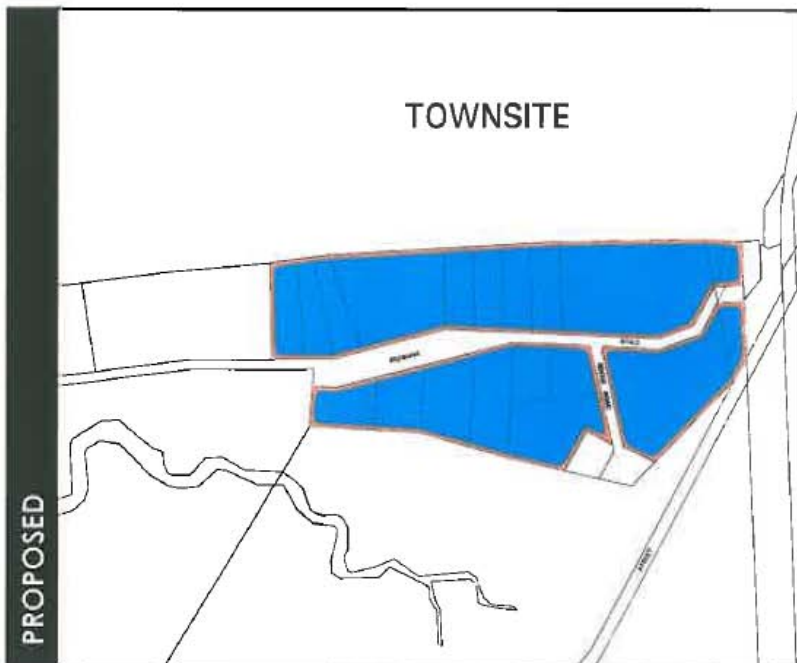
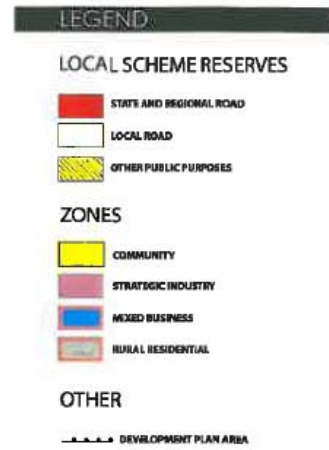
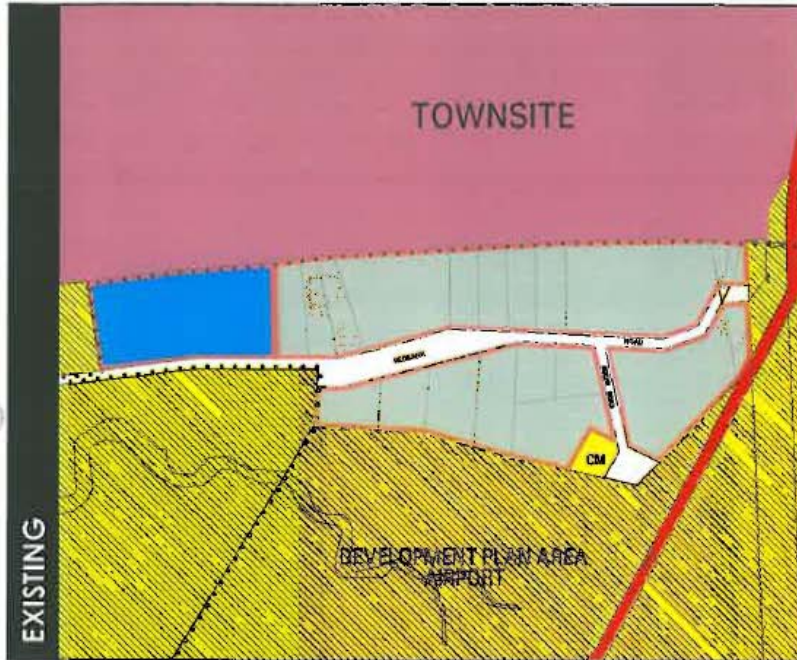
That Council refuse the request from Taylor Burrell Barnett, Town Planners on behalf of the Tim Purcell Property Trust to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5* to amend the zoning of all the lots located within the Redbank area of which all are zoned “Rural Residential” with exception of Lots 6039 and 6252 which are zoned “Mixed Business” and Lot 134 which is zoned “Community” to “Tourism”.

CARRIED 8/0

REASON: Council believes that the rezoning proposal to rezone lots at Redbank to “Tourism” is not an appropriate use of this land, and currently prefers it staying as “Rural Residential”.

ATTACHMENT 1
Amendment No. 29, Map

TOWN OF PORT HEDLAND
Town Planning Scheme No.5
Amendment No.XX



Cassandra Woodruff

From: Leonard Long
Sent: Thursday, 28 January 2010 12:00
To: Records
Subject: FW: Attention Leonard Long



Document #: ICR2634 ✓
 Date: 29.01.2010
 Officer: LEONARD LONG
 File: 18/12/0017

ATTACHMENT 2
Resident comments
(2/10)

NAA

**Leonard Long**

Planning Officer - Town of Port Hedland - PO Box 41 Port Hedland WA 6721
 Ph: (08) 9158 9326 - Fax: (08) 9158 9399 - Mob: 042 9102 117
 Email: po@porthedland.wa.gov.au
 Web: www.porthedland.wa.gov.au

From: Scott M [mailto:scottmalcolm69@bigpond.com]
Sent: Thursday, 28 January 2010 12:12 PM
To: Leonard Long
Subject: Attention Leonard Long

Dear Mr. Long,

Re: Proposed future land use of Redbank

We are writing in regards to the proposed future land use of Redbank. We would like to inform you that we would like to keep the zoning as it currently is, being "Rural Residential".

We bought at Redbank as we wanted to provide our family with the lifestyle that Redbank can offer under the Rural Residential zoning. We are long term residents of Hedland and plan to raise our family here. If the zoning is changed, where do we move to next to get this lifestyle and then will that be also changed? Everyone currently out at Redbank was aware of the Rural Residential zoning when they bought their blocks.

We feel that those residents of Redbank that want the rezoning are actually thinking of selling and leaving town. They only want the rezoning so they can make a profit and hope to make it easier to sell, and believe they have no interest in the future of Redbank. No-one has actually stated the businesses they are interested in starting which only highlights the abovementioned fact. We also feel that most of the current Redbank property owners have trouble applying with shire regulations as is (e.g. Fire Breaks and keeping their property clean and presentable) so how would they cope with added business on their property?

We definitely would be against Caravan Parks / Back Packers at Redbank as there are more suitable areas closer to shops, transport etc and are also worried about the added chance that such businesses would attract crime to the area. We would be happy for B&B's at Redbank as they are designed for short term residence and will help promote tourism in the Hedland area.

We understand the Shire has already taken a couple of Redbank properties to court due to non-compliance of regulations and are worried if the zoning is changed to allow mixed businesses on individual properties that it will be too hard to police and the residents of Redbank would have to live with the consequences.

We support the statement made in your letter regarding the upgrade to the Wedgefield area for Transport Zone and "Industry Light" uses to be more suitable than Redbank.

We understand that the Shire would like to attract possible tourism to the area and we would like to support you in doing so but we live here 24/7 and would like to promote Redbank as a safe and friendly place to live.

Thank you,

Yours faithfully,

Scott Malcolm
Lot 102
48 Redbank Road
REDBANK WA 6721
Mob: 0419903502

David Malcolm
Lot 101
Redbank Road
REDBANK WA 6721
Mob: 0429689266

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ATTACHMENT 2
Resident comments
(3/10)

Document #: ICR2565 ✓
Date: 27.01.2010
Officer: LEONARD LONG
File: 18/12/0017

NRL

Leonard Long
Town of Port Hedland
PO Box 41
Port Hedland

Lot 103 (42) Redbank Road Redbank

Dear Leonard

It is with interest we have read the proposal of future land use of Redbank your reference no, 18-12-0017 116750G...

We are including copies of our previous correspondence in order to save time and to state that we are almost 2 years down the track of making our dream a reality. The architectural drawings are also most ready for submitting for further discussions.

We are of the opinion that a genuine bed and breakfast type business would not only benefit Redbank but in indeed all of Port Hedland by encouraging genuine tourism. However we would oppose a development of a Caravan Park (3 already exist) or a backpackers as we believe this would change the character of the secure feel of the Redbank area as it is at the moment.

We believe we are at a crucial stage of development of Redbank and it would be a pity to stuff it up now. We are in favour of the present direction of the Council and support the tourism theme 100%.

Should you wish to discuss this with us please do not hesitate to contact us on 9172 1799 or by mail PO Box 235 Port Hedland.

Yours faithfully



Bruno and Anne D'Onofrio.

IC ATTACHMENT 2
Resident comments
(4/10)

HC TILLING SERVICE 0400227309

The mayor
TOPH

Attention Kelly Howiett



Document #: ICR2515 ✓
Date: 22.01.2010
Officer: LEONARD LONG
File: 18/12/0017

WRR

We are Infavour of Supporting the rezoning of redbank from rural residential to small business / tourism.
We already have heavy industrial lay down areas in our street which run 24/7 and other industrys being rio tinto salt,BHP train line.
We fully support these companys and believe the rezoning of redbank would be beneficial for port hedland and those involved.

Yours sinserely

HEATH AND TRACY COOK
80 REDBANK RD REDBANK PORT HEDLAND

18/12/0017 IPA 2405

ATTACHMENT 2
Resident comments

18-1-2 (5/10)

TO THE TOWN PLANNER
OF PORT HEDLAND

FROM: TODD HEALEY
OF LOT 39 REDBANK RD
REDBANK

IN RESPONSE TO THE PROPOSED ZONING
CHANGE TO OUR AREA FROM RURAL
RESIDENTIAL TO MIXED BUSINESS-TOURISM.
I FEEL THIS WOULD BE BENEFICIAL
FOR THE AREA AND I WOULD BE IN
AGREEMENT TO THIS CHANGE

LANDOWNER *T Healey*



Document #: IPA2405 ✓
Date: 19.01.2010
Officer: LEONARD LONG
File: 18/12/0017

Rachel Machado**ATTACHMENT 2**
Resident comments
(6/10)

From: Leonard Long
Sent: Friday, 18 December 2009 10:4
To: Records
Subject: FW: Proposed Future Land Use of Redbank.

Document #: IPA1857
 Date: 18.12.2009
 Officer: LEONARD LONG
 File: 18/12/0017

Importance: High

**Leonard Long**

Planning Officer | Town of Port Hedland | PO Box 41 Port Hedland WA 6721
 Ph: (08) 9158 9326 Fax: (08) 9158 9399 Mob: 0429 102 117
 Email : po@porthedland.wa.gov.au
 Web: www.porthedland.wa.gov.au

From: Mark [<mailto:trickster5@bigpond.com>]
Sent: Friday, 18 December 2009 10:42 AM
To: Leonard Long
Subject: RE: Proposed Future Land Use of Redbank.
Importance: High

Hi Leonard, could it please be noted that our preferred zoning will be mixed business for lot 105 Redbank Road, thanks
 Lisa

Merry Xmas and Happy new year

From: Leonard Long [<mailto:po@porthedland.wa.gov.au>]
Sent: Monday, December 14, 2009 3:29 PM
To: 'anna@fitmech.com.au'; 'trickster5@bigpond.com.au'; 'scottmalcolm@bigpond.com'; 'haydenbruce@bigpond.com';
 'jasonkerry@gmail.com'; 'looby@westnet.com.au'; 'picksc@brouadspectrum.com.au'; 'ernieifould@gmail.com';
 'tim@gravitycranes.com.au'; 'scottmalcolm69@bigpond.com'; 'blackdogphil@hotmail.com'; 'heath.tracey@bigpond.com';
 'heath+tracey@bigpond.com'; 'insideco@git.com.au'; 'insideco@cit.com.au'
Cc: Terry Sargent; Chris Adams
Subject: Proposed Future Land Use of Redbank.

Attached please find an overview of the meeting held at the Civic Centre on 30th November 2009, regarding the future use of Redbank.

**Leonard Long**

Planning Officer | Town of Port Hedland | PO Box 41 Port Hedland WA 6721
 Ph: (08) 9158 9326 Fax: (08) 9158 9399 Mob: 0429 102 117
 Email : po@porthedland.wa.gov.au
 Web: www.porthedland.wa.gov.au

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18/12/0017
ICR1778



Document #: ICR1778
Date: 18.12.2009
Officer: LEONARD LONG
File: 18/12/0017

ATTACHMENT 2
Resident comments
(7/10)

NL

**Comments Sheet - Workshop on Red
Civic Centre, Monday 30 November 2009**

Name: MR SHANE DAVID STARLING
MRS LOUISE NEWBERY STARLING.

- MY HUSBAND AND I BOUGHT AT REDBANK FOR THE ZONING IN WHICH IT IS AND UNDER NO CIRCUMSTANCES WANT ANY OTHER RE-ZONING
- WE DONT WANT IN ANY WAY, ZONING NEXT STORE TO US THAT WILL IMPACT OUR RURAL-RESIDENTIAL LIFESTYLE.
- WE DONT WANT ANY FORM OF ACCOMMODATION AROUND US OR MULTI DWELLING.
- WE DEFINITELY WANT THE SHIRE TO UNDERSTAND THAT WE BOUGHT AT REDBANK UNDER RURAL-RESIDENTIAL FOR THE LIFESTYLE NOT TO CAPITALIZE ON MAKING MONEY OUT OF THE BLOCK WE WILL BE RUNNING A NURSERY AND INTEND TO START AQUACULTURE IN THE FUTURE.
- WE WOULD ALSO LIKE TO EXPRESS THAT IF ANY CHANGE IS TO OCCUR WE WILL SOUGHT COMPENSATION.

Louise Newbery 15 DEC 2009

18/11
ICF
ATTACHMENT 2
Resident comments
(8/10)

**Comments Sheet - Workshop on Redbank Potential Future Land Use
Civic Centre, Monday 30 November 2009**

Name: DANIEL FORD

206 REDBANK ROAD

WOULD PREFER THE ZONING TO
BE CHANGED TO MIXED BUSINESS

THANK-YOU






7/12/09



Document #: ICR1547
Date: 08.12.2009
Officer: LEONARD LONG
File: 18/12/0017



18
10
ATTACHMENT 2
Resident comments
(9/10)

Comments Sheet - Workshop on Redbank Potential Future Land Use Civic Centre, Monday 30 November 2009	
Name: Terry and Lee Ford 205 Redbank Rd, Port Hedland	
In view of the future use and re-zoning of Redbank Rd, we would prefer the zoning to change to mixed business/tourism as we feel it would benefit all other landowners of Redbank and the community.	
Thankyou  6/12/09	 Document #: ICR1548 Date: 08.12.2009 Officer: LEONARD LONG File: 18/12/0017 



ATTACHMENT 2
Resident comments
(10/10)

Document #: ICR1653
Date: 10.12.2009
Officer: LEONARD LONG
File: 18/12/0017

Comments Sheet - Workshop on Re
Civic Centre, Monday 30 November 2009

Name: HAYDEN McCREATH 75 REDBANK RD
0417943766

I WOULD LIKE TO HAVE MY BLOCK OF AREA
REZONED MIXED BUSINESS/TOURISM, I HAVE
3.3 ACRES OF LAND AND FEEL THIS RE ZONING
WOULD ~~BE~~ BE GREATLY BENEFICIAL. SMALL ONE OR TWO
MAIN BUSINESS FABRICATION & FINISHING ^{WIPING BE SUPPLYING} THAT CANNOT
BE SEEN FROM ROAD IF ALLOWED, MAYBE STORAGE
CONTAINERS, BED AND BREAKFAST FOR THE INCREASING
AMOUNT OF TOURISTS COMING TO TOWN & SPENDING
CONSIDERABLE TIME HERE, I FEEL THAT ANY OF
THESE BUSINESS PROPOSITION WILL NOT IMPACT ON
ANY OF MY NEIGHBOURING PROPERTIES, YOUR
CONSIDERATION OF THIS WOULD BE GREATLY
APPRECIATED, HAYDEN McCREATH - RESIDENT OF RED
BANK LAST SIX YEARS

PORT WEDDING TOWN COUNCIL

REZONING APPLICATION

11.1.2.4 Proposed Change of Use Application for Unit 1 of 3 on Lot 2 Hunt Street, South Hedland. (File No.: 124493G)

Officer	Leonard Long Manager Planning
Date of Report	27 April 2010
Application No.	2010/90
Disclosure of Interest by Officer	Nil

Summary

Council has received an application from Engan Salby on behalf of the Tofe Family Trust, for the change of use from "Warehouse" to "Take Away Food Outlet" at Unit 1 of 3 Lot 2, Hunt Street, South Hedland.

The application has been referred to Council for consideration as the use is considered an "SA" use within the Port Hedland Town Planning Scheme No.5 (TPS5).

The proposed use is currently unable to comply with the parking requirement as set out in Appendix 7 of TPS5.

Background

Locality: (Attachment 1)

The lot is located on the north western corner of the intersection of Byass Street and Hunt Street, South Hedland, and measured approximately 1 170m².

Current Zoning:

In terms of the Port Hedland Town Planning Scheme No. 5, the lot is zoned "Mixed Business", with the use being applied for "Take Away Outlet" considered an "SA" use.

Approved Development/Use:

Council at its Ordinary meeting on 13 November 1996, approved an application to permit the use of Lot 2 for "Showroom/Warehouse" purposes, being subject to a number of conditions, of which inter alia was the requirement to provide 8 parking bays on site.

Previous Applications:

From investigating the property file, it would seem that in November 2002 approval was granted for a change of use from

“Showroom/Warehouse” to “Offices” for unit 3, unfortunately it is unclear if additional parking or cash-in-lieu was required at that time.

In November 2006, the Town received an application for the change of use from “Showroom/Warehouse” to “Shop” for the subject unit (1 of 3). However, the application was refused due to the following reasons:

- The applicant has failed to demonstrate how the required additional car parking bays are to be supplied.
- Due to reason 1 stated above, this application does not constitute proper and orderly planning.

In August 2007, the Town received an application for the change of use from “Showroom/Warehouse” to “Shop”, in the adjacent unit, unit 2 of 3, the application was refused due to the following reasons:

- A site plan, drawn to scale of not less than 1:500;
- Demonstration of how adequate parking will be made available on the subject lot in accordance with the requirements of the Town of Port Hedland Scheme No. 5 Appendix 5.
- If the required car parking is not proposed to be contained entirely within the lot boundaries, a proposal to develop cash-in-lieu car parking in the adjacent road reserve.

The refusal was considered by State Administrative Tribunal (SAT), and Council was requested to reconsider the cash-in-lieu option. In July 2008 Council resolved to accept a cash-in-lieu payment of \$2,997.00 per parking bay not supplied on the lot.

Development Controls - Parking

The Port Hedland Town Planning Scheme No. 5, has a number of prescribed development controls. These controls are the basis on which any development must be undertaken to ensure that development is done in an orderly and sustainable manner.

When calculating the parking requirement, the entire development/uses on Lot 2 must be taken into consideration. Currently the approved uses on the lot require 15 bays to be provided. Of the required 15 bays, 6 bays have been provided in the form of cash in lieu. As a take away food outlet has more traffic than a warehouse the Port Hedland Town Planning Scheme No. 5 requires more car park provision. The Port Hedland Town Planning Scheme No. 5 indicates that car parking should be increased to 20 bays to facilitate the take away shop.

The applicant provided a site plan (Attachment 2) indicating that 14 bays could be constructed on site and within existing developed verge area, with the possibility of an additional 5 bays in the Hunt Street verge in the future. However, the Manager Infrastructure Development has indicated that verge parking as well as the proposed parking on the truncation of Hunt Street and Byass Road should not be supported.

This results in the development only being able to provide 11 of the overall required 20 parking bays.

However, the subject application only requires 5 bays in addition to the existing bays. In this regard since the proposed development/use cannot provide the additional bays on site, cash in lieu arrangement should be made with the Town.

Generally, to ensure good and orderly planning, cash in lieu should only be considered in exceptional circumstances. In this instance this option can be considered due to the proposed re-alignment of Hunt Street. This was considered relevant when the adjoining development was considered by the State Administrative Tribunal and would no doubt be considered if the current applicant were to appeal.

Consultation

The application has been circulated to the managing agent, to ascertain if any of the owners/tenants in the development has any comments. The managing agent Hedland First National has indicated that none of the owners/tenants have any comments.

In addition the application has been circulated internally to obtain comments. The Engineering Services unit has provided the following comments:

“Engineering does not support the verge parking proposed in this application. Corner truncation parking is not permitted as it impedes visibility along the street from the corner. Parking on Hunt Street will not be permitted as LandCorp are looking at realigning this road. Perhaps the applicants could liaise with LandCorp to determine the final road layout and design their parking to suit. Verge parking along Byass would be considered however we would like to maintain at least 3m verge to accommodate landscaping (which the applicant would have to provide and maintain).”

Statutory Implications

The development of land must be done in accordance with Port Hedland Town Planning Scheme No. 5 (TPS5), in this regard TPS5 currently requires that either parking be provided on site as per Appendix 7 or that a cash-in-lieu payment is made for the parking bays not being provided for.

Policy Implications

Policy 10/001 Landscaping for Commercial and Industrial Areas.
Policy 9/007 Roadside, Verge and Reserve Parking Policy.

Strategic Planning Implications Nil

Budget Implications

An application fee of \$127.00 has been received as per the prescribed fees approved by Council. This application fee has been deposited into the following planning account: 0010063260.

Should Council resolve to approve the application without the requirement of cash in lieu payment, Council will be required to provide the additional parking at Council's cost.

In this regard Council has received an amount of \$20,979.00 in lieu of parking for unit 2 due to the approved change of use from "Showroom/Warehouse" to "Shop".

Officer's Comment*Development Solutions*

The applicant has proposed to re-configure the existing parking on the lot ultimately being able to provide 11 parking bays on the site. That leaves the subject application with a shortfall of 3 bays.

Adjacent to Lot 2 is unused land which falls within the Hunt Street road reserve (Attachment 3). This land could be used as an interim measure for parking, until such time as the newly aligned Hunt Street, which forms part of the South Hedland Town Centre redevelopment, is completed.

The re-alignment will result in additional land being made available directly adjoining the applicant's lot, providing the Town with the ability to construct the additional parking required by the approval of the change of use application pertaining to unit 2 which requires an additional 6 bays for which a cash in lieu payment of \$20,979.00 (\$2,997.00 per bay) has already been received and the additional 3 bays required as part of the subject application.

With regard to the cash in lieu payment it is recommended that the figure of \$2,997.00 per bay be escalated by CPI (3.7%) as per 2009/10 budget escalation, equates to \$3 108.00 per parking bay (\$9 323.66)

Precedent

All development must be done in a good and orderly manner and in terms of the statutory requirements of the Port Hedland Town Planning Scheme No. 5.

Similarly it is important to ensure when considering accepting cash in lieu payment for parking that such parking can be constructed within close proximity to the proposed use. In cases where parking cannot be provided in close proximity to the use such development/use should not be approved, as this inevitably results in the illegal parking of vehicles on the verge ultimately creating a traffic hazard for other road users.

Notwithstanding the fact that Council required cash in lieu payment of \$20,979.00 from the owners of unit 2 as part of the approval for a change of use, should Council resolve to approve the subject application without the requirement a cash in lieu payment for the 3 parking bays that cannot be provided on the site, would place Council in a precarious position as a result of being inconsistent with previous approvals and approving uses which cannot comply with the development controls imposed by the Port Hedland Town Planning Scheme No. 5.

This will result in an undesirable precedent being created implying that any developed or use, regardless if it complies with the Town Planning Scheme, will be approved, resulting in a dysfunctional parking within the town.

Attachments

Locality Plan
Proposed Site Plan
Draft re-alignment of Hunt Street Plan

Options

When considering the application Council has the following options:

1. Approve the application as proposed,
2. Approve the application and the site plan showing 11 parking bays, reduced due to the Manager Development Infrastructure comments,
3. Approve the application and the site plan showing 11 parking bays, reduced due to the Manager Development Infrastructure comments, and request that a cash in lieu payment of \$9324 (\$3108 per parking bay) be required, for the construction of the additional parking on completion of the construction of the new alignment of Hunt Street.
4. Refuse the application.

Due to the fact that Hunt Street will be re-aligned resulting in the land being made available directly adjoining the subject lot option 3 is the recommended option.

Officer's Recommendation

That Council:

1. Approves the application from Engan Salby on behalf of the Tofe Family Trust, for the change of use from "Warehouse" to "Take Away Food Outlet" at Unit 1 of 3 Lot 2, Hunt Street, South Hedland, subject to the following conditions:
 - a. This approval relates only to the proposed Take Away Food Outlet and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
 - b. The unit must only be used for purposes, which are related to the operation of a "Take Away Food Outlet" business. Under the Town of Port Hedland's Town Planning Scheme No. 5 a "Take Away Food Outlet" is defined as:

"any land or buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten, without further preparation, primarily off the premises."
 - c. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
 - d. The Take Away Food Outlet shall accommodate a maximum of 3 tables (12 Seats) at any one time.
 - e. A minimum of 11 car parking spaces are to be provided in accordance with Appendix 7 of Council's Town Planning Scheme No.5, on Lot 2 to the satisfaction of the Council's Manager Planning.
 - f. Car parking bays to be a minimum of 5.4m x 3.0m; constructed, drained and sealed; to be line marked and served by a paved access way, with a minimum width of 5.8 metres in accordance with Appendix 8 of Council's Town Planning Scheme No.5.
 - g. Installation of lighting in car parking areas and pedestrian access ways to deter theft and anti social behavior, to the satisfaction of Manager Planning.
 - h. Car parking, landscaping areas and access ways are to be maintained as such at all times, no temporary or permanent storage is permitted at any time.

- i. The driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, prior to the occupation of the Buildings(s)
- j. Within 30 days of this approval, a detailed landscaping and reticulation plan including the adjoining road verge(s) must be submitted to and approved by the Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
- k. Within 60 days, or such further period as may be agreed by the Manager Planning, landscaping and reticulation to be established in accordance with the approved detailed plans to the satisfaction of the Manager Planning.
- l. A Rubbish Collection Strategy/Management Plan shall be submitted to and approved by the Town prior to the commencement of works. The strategy/plan shall consider service vehicle maneuvering on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy/plan shall be incorporated into the building licence plans. The approved strategy/plan shall be implemented to the satisfaction Manager Planning.
- m. All storage/service areas shall be suitably screened and access doors/gates closed other than when in use to the satisfaction of Manager Planning.
- n. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.
- o. An overall signage strategy for the Take Away Food Outlet shall be submitted for approval to the satisfaction Manager Planning.
- p. Storm water disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.

FOOTNOTES:

- a. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.

- b. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
 - c. Be advised that the Town's Environmental Health Services Department has raised the following matters. If any of these matters require clarification please contact the Department on 9158 9325:
 - i. It is a requirement under the Town of Port Hedland Eating House Local Laws that all food premises be licensed prior to beginning operations;
 - ii. The applicant is advised that the construction and use of the proposed premises is required to comply with the Health (Food Hygiene) Regulations 1993;
 - iii. Prior to the issue of a building licence, a fit out plan of all internal fixtures, finishes and fittings must be provided and approved to the specifications of Town's Environmental Health Services; and
 - iv. Be advised that the food premises may be required to be connected to a grease trap prior to effluent entering the disposal system.
 - d. The applicant is advised that the construction and use of the proposed premises is required to comply with the Health (Food Hygiene) Regulations 1993.
 - e. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
 - f. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
2. Requires cash in lieu payment of \$9324 for 3 parking bays at \$3108 per bay.

200910/403 Council Decision**Moved:** Cr A A Carter**Seconded:** Cr M Dziombak

That Council approves the application from Engan Salby on behalf of the Tofe Family Trust, for the change of use from “Warehouse” to “Take Away Food Outlet” at Unit 1 of 3 Lot 2, Hunt Street, South Hedland, subject to the following conditions:

- a. **This approval relates only to the proposed Take Away Food Outlet and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.**
- b. **The unit must only be used for purposes, which are related to the operation of a “Take Away Food Outlet” business. Under the Town of Port Hedland’s Town Planning Scheme No. 5 a “Take Away Food Outlet” is defined as:**

“any land or buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten, without further preparation, primarily off the premises.”
- c. **This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.**
- c. **The Take Away Food Outlet shall accommodate a maximum of 3 tables (12 Seats) at any one time.**
- e. **A minimum of 11 car parking spaces are to be provided in accordance with Appendix 7 of Council's Town Planning Scheme No.5, on Lot 2 to the satisfaction of the Council's Manager Planning.**
- f. **Car parking bays to be a minimum of 5.4m x 3.0m; constructed, drained and sealed; to be line marked and served by a paved access way, with a minimum width of 5.8 metres in accordance with Appendix 8 of Council's Town Planning Scheme No.5.**
- g. **Installation of lighting in car parking areas and pedestrian access ways to deter theft and anti social behavior, to the satisfaction of Manager Planning.**
- h. **Car parking, landscaping areas and access ways are to be maintained as such at all times, no temporary or permanent storage is permitted at any time.**

- i. The driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, prior to the occupation of the Buildings(s)**
- j. Within 30 days of this approval, a detailed landscaping and reticulation plan including the adjoining road verge(s) must be submitted to and approved by the Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.**
- k. Within 60 days, or such further period as may be agreed by the Manager Planning, landscaping and reticulation to be established in accordance with the approved detailed plans to the satisfaction of the Manager Planning.**
- l. A Rubbish Collection Strategy/Management Plan shall be submitted to and approved by the Town prior to the commencement of works. The strategy/plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy/plan shall be incorporated into the building licence plans. The approved strategy/plan shall be implemented to the satisfaction Manager Planning.**
- m. All storage/service areas shall be suitably screened and access doors/gates closed other than when in use to the satisfaction of Manager Planning.**
- n. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.**
- o. An overall signage strategy for the Take Away Food Outlet shall be submitted for approval to the satisfaction Manager Planning.**
- p. Storm water disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.**

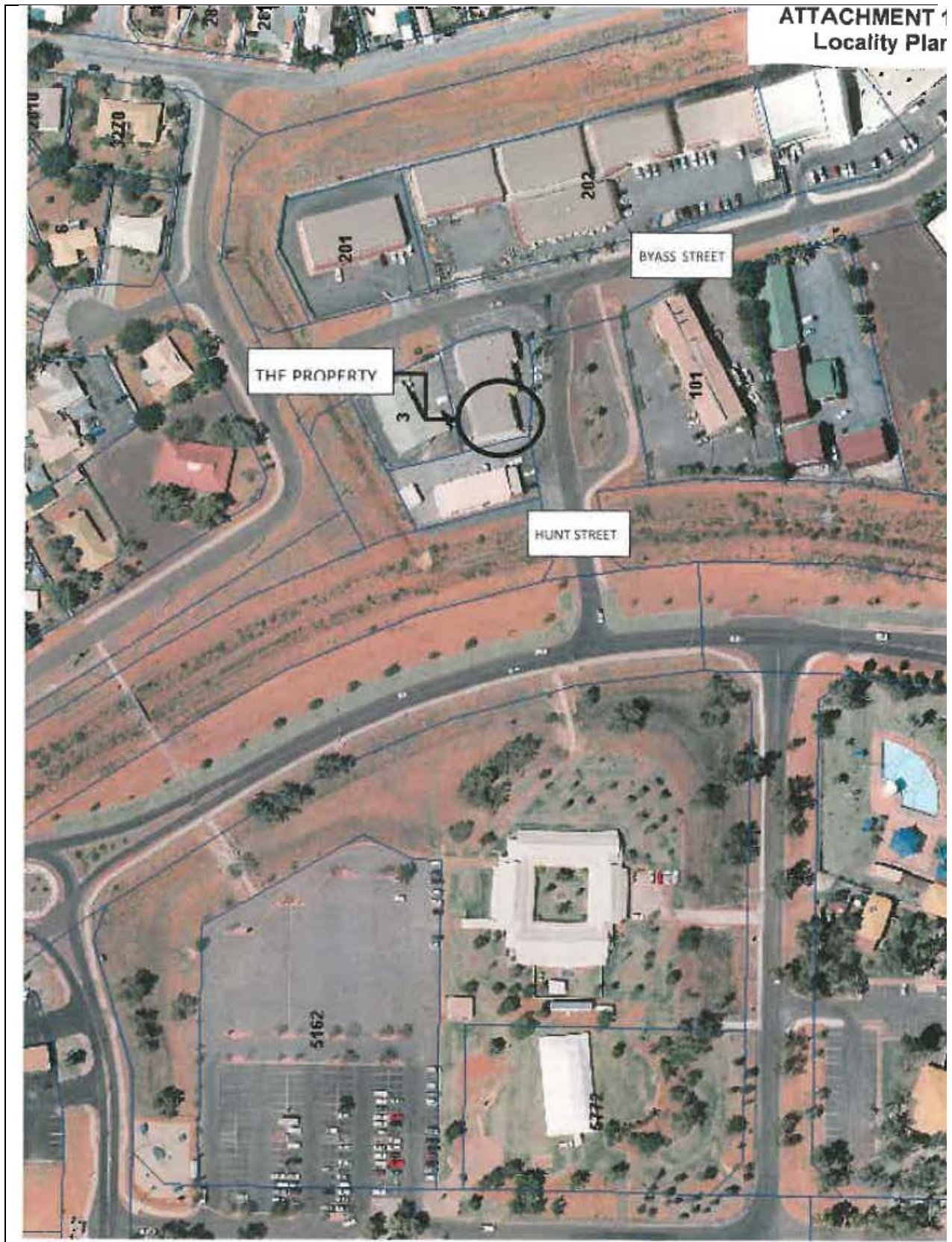
FOOTNOTES:

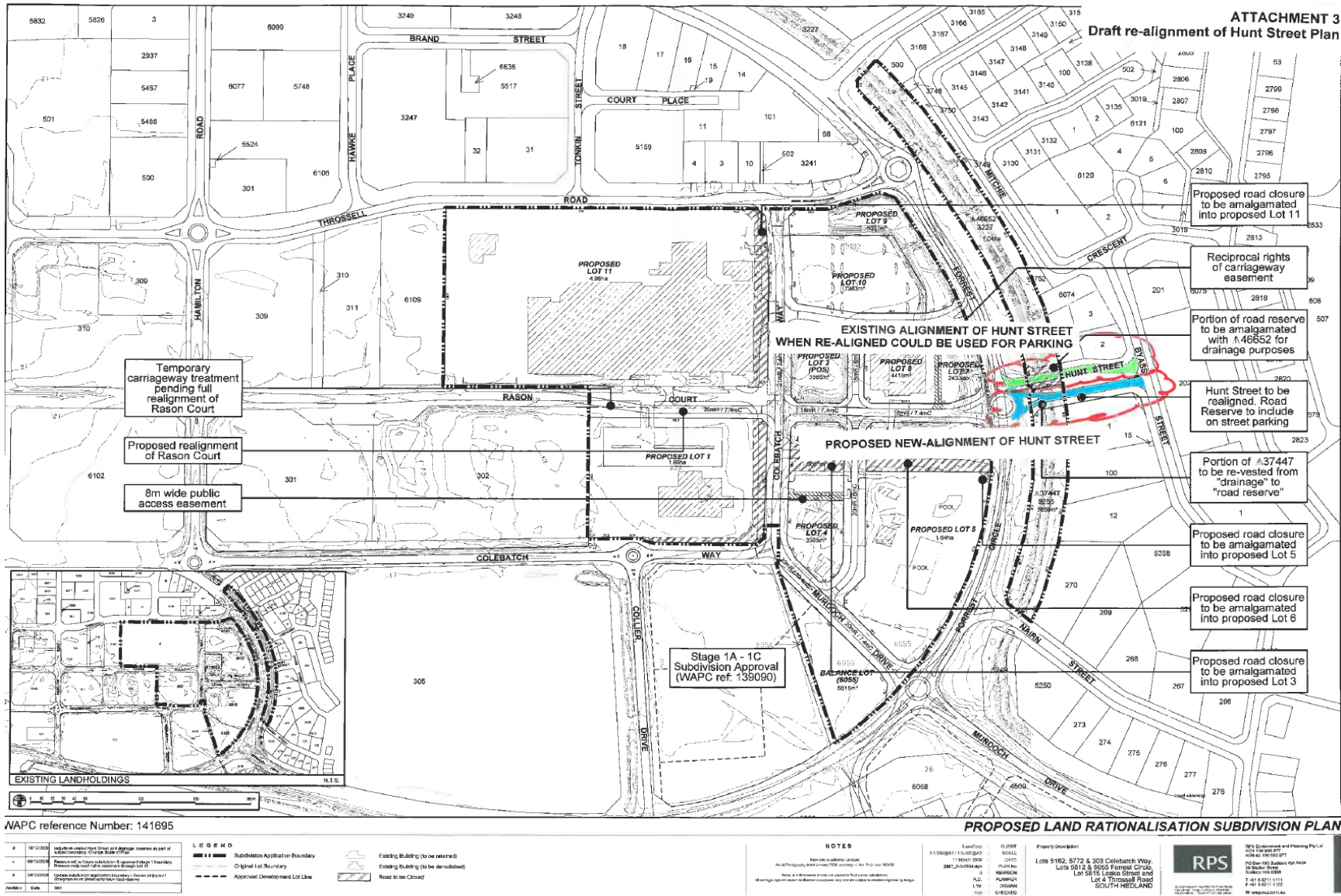
- a. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.**

- b. **The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.**
- c. **Be advised that the Town's Environmental Health Services Department has raised the following matters. If any of these matters require clarification please contact the Department on 9158 9325:**
 - i. **It is a requirement under the Town of Port Hedland Eating House Local Laws that all food premises be licensed prior to beginning operations;**
 - ii. **The applicant is advised that the construction and use of the proposed premises is required to comply with the Health (Food Hygiene) Regulations 1993;**
 - iii. **Prior to the issue of a building licence, a fit out plan of all internal fixtures, finishes and fittings must be provided and approved to the specifications of Town's Environmental Health Services; and**
 - iv. **Be advised that the food premises may be required to be connected to a grease trap prior to effluent entering the disposal system.**
- d. **The applicant is advised that the construction and use of the proposed premises is required to comply with the Health (Food Hygiene) Regulations 1993.**
- e. **The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.**
- f. **Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.**

CARRIED 8/0

REASON: Council believes there is some uncertainty pertaining the definition of road and parking, and deleted Clause 2 of the Officer's Recommendation accordingly.





11.2 Engineering Services**11.2.1 Polar Aviation - Northern Hangar Lease (File No.: AIRLSE09)**

Officer Russell Dyer
Director Engineering

Date of Report 12 May 2010

Disclosure of Interest by Officer Nil

Summary

To increase the Polar Aviation Northern Hangar Lease area to include extra car parking bays.

Background

At the July 2008 meeting, council resolved the following:
200809/015

That council authorises the Chief Executive Officer or his nominated officer to enter into negotiations with Polar Aviation in relation to the redevelopment of the Northern Hangar site, with a 15 + 15 year option lease in accordance with the Local Government Act, and utilise the valuation received by the consultants in January 2008 as a guide.

The demolition work has been completed and construction of the new hanger has commenced. The lease area for the new hanger and offices is 38.3m x 31.2m.

Council has been approached by Mr. Clark Butson with a proposal to create extra parking to the eastern side of the new building, adjacent to the existing service road. This would require the removal of a kerbed island and six gum trees.

Consultation

Clark Butson: Managing Director Polar Aviation
Bob Couzens: Manager of Airport Operation
Russell Dyer: Director Engineering
Leonard Long: Manager of Planning

Statutory Implications

“3.58. Disposing of property

(1) In this section -

dispose~ includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property~ includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) *Except as stated in this section, a local government can only dispose of property to -*
- (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property -*
- (a) *it gives local public notice of the proposed disposition -*
 - (i) *describing the property concerned;*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;...”*

Policy Implications

Nil

Strategic Planning Implications

KRA1- Infrastructure
Goal 3- Airport

Strategy 1: Developing and implementing an Airport Master Plan

Strategy 2: Actively pursue the generation of income from a variety of sources at the Airport including through leases, rentals, advertising, freight and any other means.

Budget Implications

1210326- Leases and rentals

Officer's Comment

Clark Butson is intending on constructing a new hangar and investing close to \$1 million dollars on the project. This is to include a check-in area that all general aviation companies could utilise.

As this would be an increase to Polar Aviation lease area the exact area should be determined once the new parking area has been constructed as Polar would not require all the parking bays, the extra parking would become Town of Port Hedland staff parking.

200910/404 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr S J Coates

That Council:

1. **Allow Polar Aviation to construct the extra parking area by removing the gum trees and kerbed island: and**
2. **Meet on site at the completion of the project to establish an agreed extra lease area.**

CARRIED 8/0

11.2.2 Tender 10/06 Specialised Turf Care & Vegetation Management Services (File No.: 21/07/0009)

Officer	Lynne Nanini Operations Technical/ Safety Officer
Date of Report	19 April 2010
Disclosure of Interest by Officer	Nil

Summary

This document is a summary of the tenders received for Council consideration for Tender 10/06 Specialised Turf Care and Vegetation Management Services.

Background

The Town of Port Hedland recently sought detailed submissions from companies who can consistently provide a high quality service delivery of turf industry related services including diverse herbicide & pesticide applications works.

Also included was the capacity to provide the following services such as renovation, fertilising, turf replacement, field top dressing and mowing to nominated areas throughout the Town of Port Hedland.

It must be noted that mowing services are to supplement Council's regular mowing services only (as required).

Pesticide and herbicide applications for turf, hardstand areas, conservation zones, main open drains, roadside drains and verges will be required on a periodic basis.

Consultation

Council's Engineering staff has reviewed all the tender submissions prior to recommending Council's resolution. Furthermore, Ross Moody from RVM Management was engaged to independently review and sit on the panel assist with the scoring of the tender submissions received.

Statutory Implications

This tender was called in accordance to the Local Government Act (1995).

3.57. Tenders for providing goods or services

(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

(2) Regulations may make provision about tenders.

Policy Implications

This tender was called in accordance with Council's Procurement Policy 2/015.

Strategic Planning Implications

Key Result Area 1 – Infrastructure

Goal 2 – Parks & Gardens.

That Council's parks are recognised by the community as being well maintained, well utilised, safe and accessible.

Strategy 4. Review existing maintenance levels at all parks and reserves and present costed options for alternate maintenance regimes.

Budget Implications

The allocation of funding for the provision specialised turf care and vegetation management services will be allocated for in current operational budgets. The requirement for specialised turf care and vegetation management services will vary from year to year depending on the works program.

Officer's Comment

Tenders closed on 7th of April 2010 with 2 tenders submitted. Submissions were received from Environmental Industries and Turfmaster. Tender submissions are detailed in table 1 below.

Table 1 (prices ex gst).

SERVICE		
Tenderer	Environmental Industries	Turfmaster
Verti-Mowing and sweep	\$1720/ha	\$975/ha
Verti-Draining (hollow tines) and sweep	\$1720/ha	\$1350/ha
Verti-draining (solid tines)	\$1210/ha	\$990/ha
Sweeping Only	\$520/ha	\$350/ha
Debris transported to locations as selected within the Town of Port Hedland's boundary. The Contractor is to load and transport the debris. The Contractor shall bear all costs associated with disposal except tipping fees.	\$34/m3 banked	\$35/m3 banked
Debris transported and disposed of by the Contractor. All costs of loading, transport and disposal of debris to be borne by the Contractor. Contractor to ensure that no debris can leave the truck whilst transporting,	\$34/m3 banked	\$55/m3 banked

ie cover required, or use of compactor truck.			
Field Top Making		\$92/m3	\$100/m3
INSTANT TURF			
		Environmental Industries	Turfmaster
Supply and installation of jumbo Kikuyu turf rolls		Not submitted	\$29.90m2
Supply and installation of regular Kikuyu turf rolls		Not submitted	\$19.70m2
FERTILISER – SUPPLY AND APPLICATION			
Nutrient Analysis		Rate/HA	Supply & Apply \$ /ha (Excl. GST)
Fully Granulated			
N17%	250kg	\$750	\$390
P 2.4%	300kg	\$900	\$440
K 6%	350kg	\$1050	\$490
Fe 0.41%	400kg	\$1200	\$540
Mn 0.64%			
Slow Release			
N 26%	400kg	\$2900	\$1150
K10%	450kg	\$3265	\$1290
Fe 0.5%	500kg	\$3625	\$1475
Mn 0.25%			
Foliar			
FeSo47H20	25kg	\$180	\$250
MnSo47H20	25kg		
MOWING/RETICULATION (as required)			
Service		Cost Per Ha (Excl. Gst)	
Broadacre Cylinder Mowing Playing Fields		\$160	\$150
Broadacre Rotary Mowing Playing Fields (e.g. Pegasus)		\$155	\$150
Outfront Mowing of Surrounds (Active Reserves)		\$155	\$180
Total Mowing Services Active Reserves (i.e.Kerb – Kerb, inclusive of cylinder mowing surrounds, verges and brush cutting)		\$280	\$330
Total Mowing Services Passive Reserves (i.e. Kerb – Kerb, inclusive of cylinder mowing,		\$280	\$750

surrounds, verges and brush cutting)		
Sweeping Removal of Mowing Debris	\$520	\$350
PESTICIDE AND GROWTH SUPPRESSION APPLICATIONS		

Task	Ants	Application rate	Supply and Apply Price \$ (Excl. GST)	
			Environmental Industries	Turfmaster
			Hand Spray/m ² & (Boom Spray/m ²)	
Broadleaf/Flat weeds inclusive of Onehunga, Capeweed, Clover etc	15 g/l Diflufenican 20 g/l Clopyralid 300 g/l MCPA	5 l/ha	\$2.85 (\$2.20)	\$0.095 (\$0.055)
Crab Grass	120g/l Dithiopyr	7 l/ha	\$2.98 (\$2.35)	\$0.099 (\$0.087)
Nut Grass	750g/kg Trifloxysulfuron sodium	40g/ha	\$3.20 (\$2.30)	\$0.075 (\$0.055)
Nematodes	400g/l Fenamiphos	11 l/ha	\$3.20 (\$2.85)	\$1.50 (\$0.095)
Black Beetle Bill Bug	200g/l Imidacloprid	2.5 l/ha	\$4.20 (\$3.20)	\$0.075 (\$0.055)
Growth Suppression	120g/l Trinexapac-Ethyl	8 l/ha	\$4.95 (\$3.95)	\$0.095 (\$0.070)
Pre-Emergent	67.5g/kg Dichlobenil	100kg/ha	\$4.95	\$0.0350
Footpaths	Glyphosate 3240g/ha Metsulfuron 150g/l Applied as a tank mix to items 8 – 13		\$2.85 (\$2.20)	\$0.09
Kerbs			\$2.85 (n/a)	\$0.06/m
Traffic Island			\$2.85 (\$2.20)	Free of charge
ROW's			\$2.85 (\$2.20)	\$0.15 (n/a)
Main Open Drains			\$2.85 (\$2.20)	\$0.50 (n/a)
Roadside Drains/Verges			\$2.85 (\$2.20)	\$0.45 (\$0.25)
Crab Grass (Post emergent in Couch)	750g/kg Quinclorac	1.1kg/ha	\$4.20 (\$3.20)	\$0.085 (\$0.060)
Pre-emergent	330g/l	5 l/h	\$4.95	\$0.080

	Pendimethalin		(\$3.95)	(\$0.050)
Conservation Zones	150g/l Fluaziflop	6.6 l/ha	\$4.95 (n/a)	\$0.0295 (n/a)
Conservation Zones	120g/l Quizalofloptefuryl	4 l/ha	\$4.95 (n/a)	\$0.215 (n/a)
Wetting Agent	100% Proprietary Surfactants	25 l/ha	\$2.85	\$0.095 (\$0.075)

In order to undertake a comparison of the tendered rates, an estimation of what works would be needed mainly throughout the year was provided by the Parks & Gardens Department. This enabled a benchmark to be set and prices submitted by the tenderers analysed.

It was estimated that the Town of Port Hedland has 50ha of parkland – comprising both passive and active reserves.

Table 2 below was produced as a means of comparison of the tendered rates and does not necessarily reflect the actual requirements for the parks and gardens operational program or the quantities that may be required. Please note that the item number in column 1 relates to the items described in table 1 above.

Table 2 (ex. gst):

Item	Qty (ha)	Environmental Industries	Turfmaster
Verti-Mowing and sweep (ha)	35 ha	\$60,200	\$34,125
Verti-Draining (hollow tines) and sweep	2	\$3,440	\$2,700
Verti-draining (solid tines)	2	\$2,420	\$1,980
Sweeping Only	10	\$5,200	\$3,500
Debris transported to locations as selected within the Town of Port Hedland's boundary. All costs except tipping fees	1000	\$34,000	\$35,000
Debris transported and disposed of by the Contractor. All costs of loading, transport and disposal of debris to be borne by the Contractor.	1000	\$60,200	\$34,125
Fertiliser – Fully granulated – 250kg	4 applications, 30ha	\$90,000	\$46,800

Fertiliser – Fully granulated – 350kg	2 applications, 20ha	\$42,000	\$19,600
Pesticide/Herbicide – broadleaf/ flat weeds – inclusive of Onehunga, Capeweed, Clover etc	50ha	\$1,100,000	\$27,500
Pesticide/Herbicide – crab grass	50ha	\$117,500	\$43,500
TOTAL		\$1,514,960	\$248,830

Table 3 below indicates the evaluation criteria as per tender documentation:

Price	30%
Experience	20%
Methodology	20%
Resources (eg Plant & Equipment)	15%
Occupational Health and Safety	5%
Local Industry Development	10%
Total	100%

Table 4 below indicates the scores applied to Tenderers as per tender evaluation criteria:

Evaluation Criteria	Environmental Industries	Turfmaster
Price (30%)	3.18	30
Experience (20%)	16	16
Methodology (20%)	8	16
Resources (15%)	12	12
OHS (5%)	2.5	4
Local Industry (10%)	8	7
TOTAL	49.680	85

Price

The lowest price Tender (T_{lp}) shall be awarded a score of 30 for the Price criterion. The second-lowest price Tender (T_{slp}) shall be awarded a score determined in the following manner:

$$\text{Tslp Score} = 30 - \left[\frac{(\$T_{slp} - \$T_{lp})}{\$T_{lp}} \times 30 \right]$$

Experience

Both companies are very experienced and have undertaken work of a similar nature for local government as well as private industry. Both submitted examples of work undertaken in the past as well as current contracts. Upon contacting referees for both companies, both received glowing recommendations.

Methodology

Turfmaster scored higher than Environmental Industries in this area. They recognise that there are timeframes to undertake certain tasks and outlined this generally. Environmental Industries stated that they will provide a timeline, methodology statement upon instruction from the Town of Port Hedland should they be successful in winning the tender.

Resources

All companies demonstrated appropriate resources to undertake the contract. Both have skilled, trained personnel and provided a list of plant available at their disposal to adequately carry out the tasks required under the contract.

Occupational Health and Safety

Both companies have clearly demonstrated excellent OH&S management systems. Both companies provided details of their insurances and their OH&S records over the last 3 years. Environmental Industries stated that they would provide a more detailed OH&S Plan should they be the successful tenderer.

Local Industry Development

Environmental Industries stated that they purchased a property in South Hedland over 3 years ago, although proof of ownership was not submitted. Furthermore, they stated that all labour servicing the contract will be sourced locally. They further have access to an extensive list of sub-contractors that they can call upon to supplement their workforce.

Turfmaster have stated they are in the process of purchasing a property in Wedgefield although no proof was submitted. Turfmaster stated that they will source up to 4 full time staff from within the local area to fulfil their contractual obligations.

Turfmaster scored slightly lower than Environmental Industries in this category due to Environmental Industries already being established in the North West.

In summary, it is recommended to award Tender 10/06 Specialised Turf Care & Vegetation Management Services to Turfmaster in accordance with the overall score received in accordance with the evaluation criteria.

200910/405 Council Decision/Officer's Recommendation

Moved: Cr G J Daccache

Seconded: Cr A A Carter

That Council awards Tender 10/06 Specialised Turf Care & Vegetation Management Services to Turfmaster, as per the submitted schedule of rates, for the period 1 July 2010 to 30 June 2013 subject to Turfmaster providing proof of ownership/ lease of property in Port Hedland.

CARRIED 8/0

11.3 Community Development**11.3.1 *Crowd Control at Community Events (File No.: 03/01/0017)***

Officer	Bob Tomlins Acting Manager Recreation and Youth Services
Date of Report	6 May 2010
Disclosure of Interest by Officer	Nil

Summary

It is proposed that the Town of Port Hedland undertake a community grants program aimed at subsidising the cost to community agencies of hiring licensed Crowd Controllers to attend at community events during the 2010/11 financial year.

In addition, it is proposed that training for Town of Port Hedland staff to successfully undertake crowd control roles at Town of Port Hedland events be provided.

Both proposals would be funded by monies allocated in the 2009/10 budget for security training.

Background

\$35,000 was allocated in the 2009/10 budget for security training to ensure the availability of appropriately qualified Crowd Controllers at community events. These events fall into the following two categories:

1. Events run by community agencies that attract a large attendance held at licensed or unlicensed premises.
2. In regard to licensed premises, the Department of Racing, Gaming and Liquor requires two (2) Crowd Controllers be employed for the first 100 patrons and one (1) further Crowd Controller for each additional 100 patrons or part thereof.

The Department defines a Crowd Controller as a licensed person employed by a Crowd Control Agent to work on behalf of a licensee, owner, lease holder or authorised manager to maintain a peaceful environment in any licensed premises, place of entertainment, public or private event or function, and who can:

- control or monitor the behaviour of persons
- screen persons seeking entry;
- remove persons because of their behaviour

- Unlicensed events run by Town of Port Hedland staff where large numbers of community members attend.
- Staff have sought training to be able to safely manage – with confidence – the behaviour of large numbers of people.

A report indicating how this security training might be undertaken was presented at the April 2010 Council Meeting. Councillors set aside the report and discussed the issues further at a briefing held on 4 May.

Consultation

Councillors Town of Port Hedland
Director Community Development
Coordinator Recreation Services
Community Development Officer

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

The Town of Port Hedland allocated \$35,000 in its 2009/10 budget for security training. It is anticipated that the proposals detailed in this report will not exceed this amount in this financial year.

Officer's Comment

Paying for the training of licensed Crowd Controllers to work at large community events is problematic because neither the Town of Port Hedland, nor community organisations, can directly employ the individuals who are trained – only an approved Crowd Control Agent can do so. This inability to directly control their availability as required at community events may well result in the investment in training being wasted.

A more effective approach might be to use these monies to stimulate an increased supply of reasonably priced and appropriately trained crowd controllers employed by local Crowd Control Agents. This would be achieved by raising the level of effective demand for these services by subsidising the capacity of local community agencies to purchase them.

Presently the services of Crowd Controllers cost the purchaser between \$75 and \$130 per hour. A subsidy of \$60 per hour would make these services considerably more affordable for local agencies and may act as a strong market stimulus. It may also lower hourly rates overall by bringing new purchasers to the market that are not prepared to pay the top rates.

\$30,000 would provide a \$60 per hour subsidy for a total of 500 hours. On the basis of employing three (3) Crowd Controllers for six (6) hours each, 27 community events could be supported.

A well constructed community grants program could see these monies distributed to community groups by 30 June 2010 – to be spent on community events to be held between 1 July 2010 and 30 June 2011.

Officer's Recommendation

That Council:

1. Undertakes a community grants program to provide subsidies to community agencies seeking to hire licensed Crowd Controllers to attend at community events to be held between 1 July 2010 and 30 June 2011.
2. Provides a subsidy of \$60 per hour, to be used to pay for Crowd Control services, to a community agency, up to a maximum of 20 hours per event.
3. Funds the community grants program by \$30,000 allocated in the 2009/10 budget for security training.
4. Includes in the program guidelines the following:
 - a. Not-for-profit agencies may apply for funds for one or more event, but each event will require a separate application.
 - b. The Town will seek to maximise the distribution of funds across a range of community agencies.
 - c. Agencies will be required to seek at least two quotes for the Crowd Control services sought and be expected to choose the 'best value for money' option.
 - d. Agencies will fully acquit back to the Town of Port Hedland on the expenditure of the funds provided.
5. Includes the following selection criteria:
 - a. Compliance with the program guidelines and provision of all requested information.
 - b. Agency capacity to deliver the proposed event.
 - c. Community benefit to be derived from the event.
6. Assigns \$5,000 allocated in the 2009/10 budget for security training to provide training for appropriate Town of Port Hedland staff to competently undertake crowd control roles at unlicensed events run by the Town of Port Hedland.

200910/406 Council Decision

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council request a report on establishing a Working Group for donations to be considered at the next Council Ordinary Meeting on 26 May 2010.

CARRIED 8/0

REASON: Council believes that this issue is complicated and that a Donation(s) working group is a more effective way of dealing with this matter.

6:06 pm Councillor Steve J Coates declared a financial interest in Agenda Item 11.4.1.2 "Construction of Wallwork Road Bridge over BHP Rail" as he is an employee of BHPBIO and owns BHPBIO shares.

Councillor Coates left the room.

6:07 pm Councillor M (Bill) Dziombak declared a financial interest in Agenda Item 11.4.1.2 "Construction of Wallwork Road Bridge over BHP Rail" as he owns BHPBIO shares and left the room.

Councillor Dziombak left the room.

6:07 pm Councillor A A Carter declared a financial interest in Agenda Item 11.4.1.2 "Construction of Wallwork Road Bridge over BHP Rail" as he owns BHPBIO shares.

Councillor Carter left the room.

11.4 Governance and Administration**11.4.1 Governance****11.4.1.2 Construction of Wallwork Road Bridge Over BHP Rail
(File No. 28/01/0006:)**

Officer Chris Adams
Chief Executive Officer

Date of Report 6 May 2010

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to formalise Council approval for the construction of a bridge over rail on Wallwork road, South Hedland, including budget allocations.

Background

A combination of increased traffic numbers and a proposal to increase train movements across the rail intersection at Wallwork Rd has led to the need to immediately commence planning for the construction of a bridge over the 'Goldsworthy Rail line's intersection with Wallwork Road. Wallwork Road is a Council road and hence the proposed bridge will be a Town asset once it is constructed.

Recent traffic counts indicate that Wallwork Road currently has 11,600 traffic movements per day. This is a significant increase in traffic movements from previous counts. Traffic modelling indicates that traffic movements are projected to grow further in the coming years. Main Roads have indicated that grade separation (ie a bridge) should be installed when traffic movements exceed 9,000 per day.

BHP Billiton Iron Ore (BHPBIO) RGP5 approval includes approvals to increase train movements along existing Goldsworthy Rail line. These additional rail movements, coupled with increased traffic movements have facilitated the need for rapid progression of the development of the proposed Wallwork Rd bridge.

The Department of State Development convened a Rail/Road Working Group to review the need and scope of the project and to ensure that appropriate actions were implemented in the appropriate timeframes and to required standards. The Working Group involves the following stakeholders:

- BHP Billiton Iron Ore
- Town of Port Hedland
- Main Roads WA

- Department of State Development
- Port Hedland Port Authority

This group has:

1. Reviewed the need for the bridge.
2. Discussed future needs, alternatives and issues related to future expansions of both road and rail around Wallwork Road.
3. Agreed on an appropriate design for the bridge.
4. Sought funding arrangements for the construction of the proposed bridge
5. Commenced the design and approvals process for the bridge construction.

Due to the current traffic volumes on Wallwork Road and potential future development of further rail, the proposed bridge is being designed as a four lane road (two traffic lanes in each direction) over a potential future of four railway lines. It should be noted that only two rail lines have been approved and there are no commitments/approvals for additional rail lines, but it was considered appropriate to be planning for future growth that may occur.

The bridge design does accommodate cycleway/pedestrian access over the bridge and tourist/visitor facilities are proposed. A temporary side road will be constructed to allow vehicle access around the bridge site for the duration of the construction process.

While the bridge will be a Council asset, the Town has little experience in managing the development or construction of this nature. Main Roads WA has offered to manage this project due to their expertise in bridge construction and existing contractual arrangements with bridge builders in Western Australia.

Consultation

- BHP Billiton Iron Ore
- Town of Port Hedland
- Main Roads WA
- Department of State Development
- PHPA

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Key Result Area 4 – Economic Development

Goal 2 – Mining: That the Town has developed strong working relationships with the mining industry that are achieving sustainable outcomes for the local community

Strategy 1 – Partner with BHP, FMG, Dampier Salt, Newcrest Mining and others mining companies to develop community infrastructure and a stronger community

Strategy 2 – Review all mining and port development proposals to ensure that any negative impacts on the community due to either construction or operational activities are minimised

Budget Implications

Main Roads has indicated that the preliminary estimated total cost of this project is \$27M. BHPBIO has confirmed that they are willing to contribute \$24M towards the project and an additional \$3M has been requested from Royalties for Regions funding (to be confirmed). At this stage, it is not expected that a financial contribution will be required from Council, however new income and expenditure accounts are needed to administer the project.

It is proposed for the Town to engage MRWA as the project managers for this project. MRWA will incur all costs associated with the project, with the Town reimbursing MRWA for these costs upon receipt of an invoice and supporting documentation.

Officer's Comment

A bridge is clearly required at Wallwork Road. The key issues that have needed to be resolved are:

- What sort of bridge? (ie How many road lanes over how many rail lines)
- Who is funding the bridge?
- Who is managing the construction of the bridge?

The Road/Rail Working Group has discussed these matters at length and have agreed on a preferred direction forward. The recommendations of this group are now put to Council for their consideration.

Attachments

Nil

200910/407 Council Decision/Officer's Recommendation

Moved: Cr S R Martin

Seconded: Cr J M Gillingham

That Council:

- i) **Approves the design and construction of a four lane road over a potential future of four rail lines on Wallwork Road, South Hedland.**
- ii) **Creates new income and expenditure accounts relevant to the project in the order of:**
 - a) **Wallwork Road Bridge expenditure - \$27M**

b) Wallwork Road Bridge income (BHP) - \$24M

c) Wallwork Road Bridge income (R4R) - \$3M

- iii) Approves the management of the design and construction of the project by Main Roads WA with the Town reimbursing the MRWA for costs that are incurred by them in undertaking the project on behalf of the Town.**

CARRIED 5/0

6:08 pm Councillors A A Carter, S Coates and M Dziombak re-entered the room and resumed their chairs.

Mayor advised Councillors Carter, Coates and Dziombak of Council's decision.

11.4.2 Economic and Land Development**11.4.2.1** *Expansion of Reserves 29044 and 39832 Taylor Street - Cooke Point Caravan Park (File Nos.: 117920G & 130599G)*

Officer Richard Bairstow
Manager Economic and Land
Development

Date of Report 27 April 2010

Disclosure of Interest by Officer Nil

Summary

Approval is required from the Department for Planning and Infrastructure – State Land Services to expand Reserve 29044 to create additional space for caravan park/camp grounds at the current Cooke Point Caravan Park. This is seen as an option to provide additional tourist accommodation within Port Hedland.

Background

Council previously considered this matter at its January 2009 Ordinary Council Meeting. Council resolved:

“That Agenda Item 11.2.1.4 ‘Expansion of Reserves 29044 and 39832 Taylor Street - Cooke Point Caravan Park’ lay on the table to enable Council to consider a more detailed map, prior to further consideration of the item.”

Reserve 29044 was vested in the Town of Port Hedland on 27 August 1996 for the designated purpose of “Caravan Park”.

The Cooke Point Caravan Park which is leased by Council to a private sector operator is developed to its current capacity with little, if any capacity for expansion.

Adjoining land, presents two opportunities for potential expansion. The first, an expansion to the east on partly low lying that is unsuitable for permanent structures but has the potential to be developed for unpowered caravan and camping sites for seasonal use. The second is an expansion to the north that could accommodate permanent sites that match the existing park. Such developments could assist in Port Hedland’s chronic undersupply of tourist accommodation, especially during the winter caravanning season.

The development plan concept is attached for Council’s consideration see Attachment No. 1 and will potentially result in an additional 48 temporary camp sites and approximately 24 permanent park home sites.

Should Council seek to have additional land included within Reserve 29044 it must resolve to do so and make a formal request to Department of Planning and Infrastructure, State Land Services.

Consultation

- Tourism WA.
- MAKJap Consulting Engineers and Surveyors have completed a Feature Survey Plan and Concept Plan (Attachment 1)
- DPI State Land Services.

Statutory Implications

Land Administration Act 1997
Part 4
Section 42 – Class A Reserves

Policy Implications

Policy 11/001 Tourism Policy states in part:

“... Initiate the provision of quality public amenities and facilities to cater for overnight stay”

Strategic Planning Implications

Key Result Area 4 – Economic Development
Goal 1 – Tourism
Strategy 4 – Identify sites for the development of new caravan park/eco tourism facilities (both permanent and temporary). Implement key priority projects.

Budget Implications

Council has allocated a budget of \$10,000 in the 2009/10 financial year for “Land Purchase Municipal (Caravan Park Extensions)”. The Feature Survey Plan and Concept Plan already completed by MAKJap in April 2010 was at a cost of \$8107 including GST, therefore a balance of \$1893 remains in this account.

Once DPI-SLS have considered the request, survey works will be completed in accordance with their instructions. The works required are anticipated to include the acquisition of existing cadastral data, linking up with a control station, surveying new area in accordance with the plan, drawing up plan, identifying lot number required, amalgamation of lots. It is anticipated that these costs have been included in the above quotations however there maybe some minor variation. Again this expense would be funded through Budget account – Land Purchase Municipal – General Ledger Account Number 1301413.

Officer's Comment

It is appropriate to consider all options, including expansion of the Caravan Park reserve, to provide for the sustainable provision of additional tourist accommodation within the town. To include additional land within the reserve a resolution to do so must be adopted by Council and plans of the proposed area are forwarded to Department of Planning & Infrastructure – State Land Service to enable them to issue survey instructions to our nominated survey company.

The areas of land identified in the current survey form the approximate boundaries of potentially suitable land. Other matters will need to be considered to progress. These include:

- Heritage
- Environmental issues
- Development approvals
- Leasing conditions

These matters will be progressed once the land area has been formalised.

Attachments

No.1 - Site Feature Survey and Concept Design

200910/408 Council Decision/Officer's Recommendation

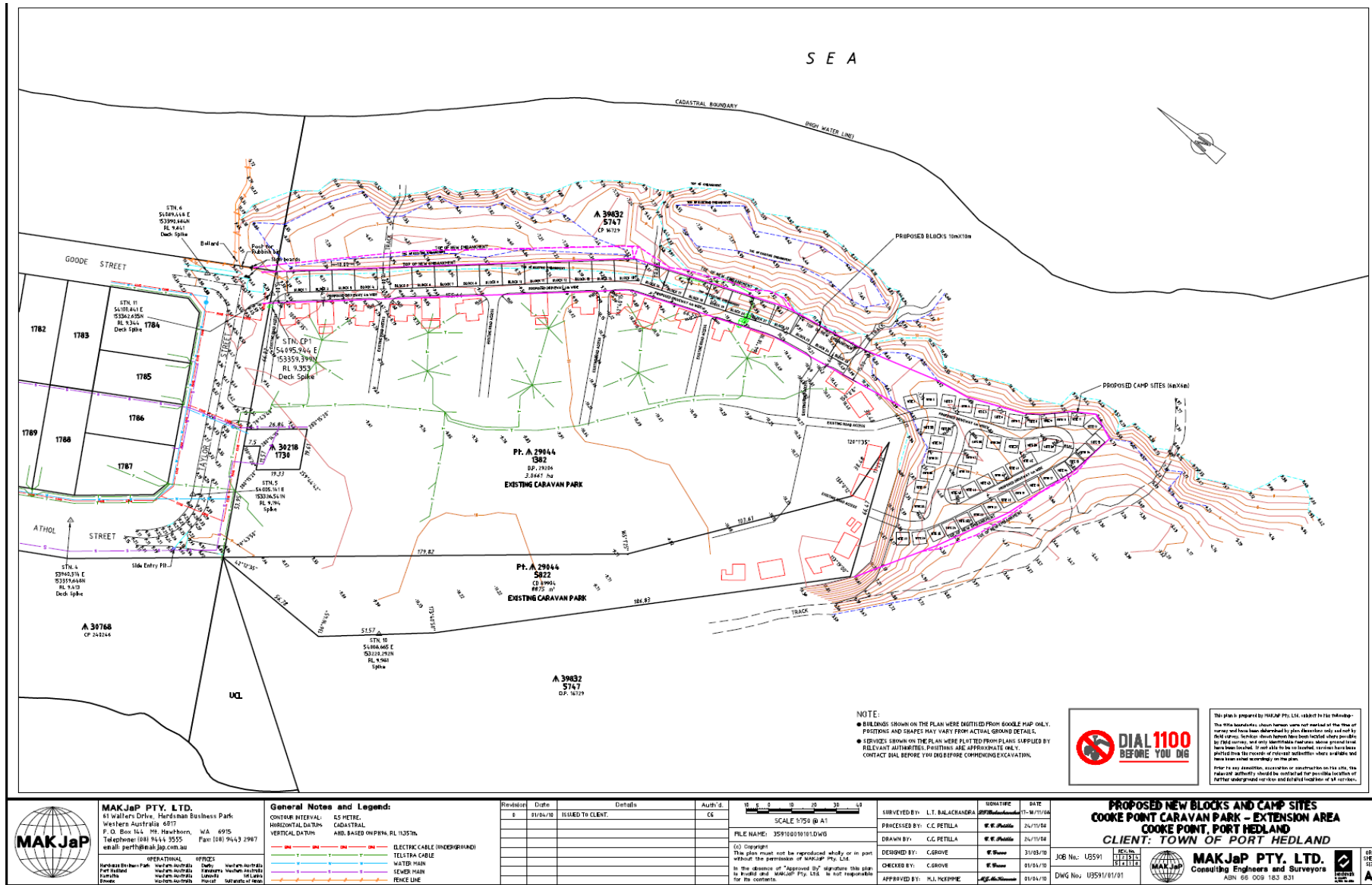
Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council:

- i) **pursues the expansion to the Cooke Point Caravan Park site by amalgamating Reserve 39832 with the existing Reserve 29044, for the purpose of creating additional space for caravan park/camp grounds; and**
- ii) **advise the Department for Planning and Infrastructure – State Land Service that Council has resolved to seek their approval to utilise Reserve 39832 for additional caravan/camp grounds, expanding the existing caravan park on Reserve 29044 and changing the vesting on Reserve 39832 from “Recreation” to “Caravan Park”.**

CARRIED 8/0



NOTE:
 ■ BOUNDARIES SHOWN ON THE PLAN WERE OBTAINED FROM GOOGLE MAP ONLY. POSITIONS AND SHAPES MAY VARY FROM ACTUAL GROUND DETAILS.
 ■ SERVICES SHOWN ON THE PLAN WERE PLOTTED FROM PLANS SUPPLIED BY RELEVANT AUTHORITIES. POSITIONS ARE APPROXIMATE ONLY.
 CONTACT DIAL BEFORE YOU DIG BEFORE COMMENCING EXCAVATION.



This plan is prepared by MAKJAP Pty. Ltd. subject to the following:
 This site boundaries shown herein were not marked on the site or survey and have been determined by plan data only, and not by field survey. Therefore, the boundaries shown herein may not be true. The plan is for information only and does not constitute a contract. The plan is not to be used for any purpose other than that for which it was prepared. The plan is not to be used for any purpose other than that for which it was prepared. The plan is not to be used for any purpose other than that for which it was prepared.

MAKJAP PTY. LTD.
 61 Wallers Drive, Herdsman Business Park
 Western Australia 6017
 P. O. Box 164, Mt. Hawthorn, WA 6915
 Telephone (08) 944 3555 Fax: (08) 944 3297
 email: perth@makjap.com.au

General Notes and Legend:

CONTOUR INTERVAL: 0.5 METRE.
 HORIZONTAL DATUM: CADASTRAL
 VERTICAL DATUM: AHD BASED ON P.M.S.L. RL 113.57M

—●—●—●—	ELECTRIC CABLE UNDERGROUND
—●—●—●—	TELEPHONE CABLE
—●—●—●—	WATER MAIN
—●—●—●—	SEWER MAIN
—●—●—●—	FENCE LINE

Revised	Date	Details	Auth'd
2	21/04/10	ISSUED TO CLIENT	CG

SCALE 1:500 @ A1

FILE NAME: 3591000101.DWG

DESIGNED BY: C.GROVE
 CHECKED BY: C.GROVE
 APPROVED BY: M.J. MCPHERSON

SUBMITTED BY	SIGNATURE	DATE
L.T. BALACRANERA	[Signature]	17/01/10
C.C. PETILLA	[Signature]	26/11/08
C.G. PETILLA	[Signature]	26/11/08
C.GROVE	[Signature]	31/03/10
C.GROVE	[Signature]	21/04/10
M.J. MCPHERSON	[Signature]	21/04/10

**PROPOSED NEW BLOCKS AND CAMP SITES
 COOKE POINT CARAVAN PARK - EXTENSION AREA
 COOKE POINT, PORT HEDLAND
 CLIENT: TOWN OF PORT HEDLAND**

JOB No: U5591
 DWG No: U5591/01/01

MAKJAP PTY. LTD.
 Consulting Engineers and Surveyors
 ABN 66 009 183 831

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

Nil.

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

Nil.

ITEM 14 CONFIDENTIAL ITEMS

Nil.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

ITEM 16 CLOSURE

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 26 May 2010, commencing at 5.30 pm.

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 6:13 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of _____.

CONFIRMATION:

MAYOR

DATE